

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-TP-11-30,039

In re: 2532 Park Place, S.E. Unit 15

Ward Eight (8)

VIVIAN A. REESE
Tenant/Appellant

v.

URBAN INVESTMENT PARTNERS, LP
Housing Provider/Appellee

ORDER DISMISSING APPEAL WITH PREJUDICE ON SETTLEMENT

January 31, 2013

BERKLEY, COMMISSIONER. On February 4, 2011, Vivian A. Reese, the tenant (Tenant) filed Tenant Petition RH-TP-11-30,039 (TP) against Urban Investment Partners, LP (Housing Provider). The Tenant claimed that the Housing Provider committed the following violations of the Rental Housing Act of 1985 (the Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001): (1) the rent increase was larger than the increase allowed by any applicable provision of the Act; (2) the Housing Provider did not file the correct rent increase forms with the Rental Accommodations Division (RAD); and (3) services and/or facilities provided as part of the rent and/or tenancy have been substantially reduced.

On December 23, 2011, Office of Administrative Hearings (OAH), Administrative Law Judge Caryn L. Hines (ALJ) issued a Final Order. The ALJ ordered that the Housing Provider pay the Tenant \$464.23 for demanding an improper rent increase. The ALJ also ordered that Tenant's claims of substantial reductions in services and/or facilities in RH-TP-11-30,039 be dismissed with prejudice.

On January 5, 2012, the Tenant filed the Tenant/Appellant's Notice of Appeal (Notice of Appeal) in the Commission, alleging that she was entitled to treble damages and that the ALJ failed to consider relevant evidence in reaching the decision. On January 23, 2013, the parties filed a Settlement Agreement in the Commission in which the Housing Provider agrees to pay the Tenant \$464.23 on January 24, 2013 and the Tenant agrees to release all claims against the Housing Provider upon receipt of this payment. This resolves all outstanding matters in the above-captioned case. Settlement Agreement at 1. The Settlement Agreement was signed by both parties.

Settlement of litigation is to be encouraged. The court in Proctor v. D.C. Rental Hous. Comm'n, 484 A.2d 542 (D.C. 1984) required the Commission to consider: 1) the extent to which the settlement enjoys support among the affected Tenants, 2) the potential for finally resolving the dispute, 3) fairness of the proposal to all affected persons, 4) saving of litigation costs to the parties, and 5) difficulty of arriving at prompt final evaluation of merits, given complexity of law, and delays inherent in administrative and judicial processes. Id. At 548. When a case is settled on appeal, the pending litigation will be considered moot, and further court action is unnecessary. Milar Elevator Co. v. D.C. Dep't of Emp't Servs., 704 A.2d 291 (D.C. 1997). The Commission is required to review all settlement agreements that withdraw appeals, 14 DCMR 3824.2 (2004). Cited in Zurlo v. Marra, TP 27,349 (RHC Jan. 21, 2004); Kellogg v. Dolan, TP 27,550 (RHC Feb. 20, 2003); Jefferson Hercules Real Estate, Inc., TP 27,478 (RHC Jan. 21, 2003).

In this appeal: 1) the settlement agreement was unanimous because it had the support of both parties; 2) the settlement agreement resolved all of the claims and issues between the

parties in the Commission; 3) each party was treated fairly with the Tenant receiving payment of \$464.23 from the Housing Provider as payment for demanding an improper rent increase. This settlement resolved all outstanding matters in the case; and 4) the agreement saved the parties litigation costs before the Commission; and eliminated further administrative delay in the processing of their claims.

Pursuant to 14 DCMR § 3824.2 (2004), the parties may file a motion to withdraw an appeal, and the Commission shall review the motion to ensure the rights of all parties are protected. The Commission reviewed the Settlement Agreement and noted the interests of the parties are protected. Accordingly, the Tenant's appeal is dismissed with prejudice.

SO ORDERED.


MARTA W. BERKLEY, COMMISSIONER

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (2004), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (2004), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

JUDICIAL REVIEW

Pursuant to DC OFFICIAL CODE §42-3502.19 (2001), “[a]ny person aggrieved by a decision of the Rental Housing Commission. . . may seek judicial review of the decision . . . by filing a petition for review in the District of Columbia Court of Appeals. Petitions for review of the Commission’s decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The court may be contacted at the following address and telephone number:

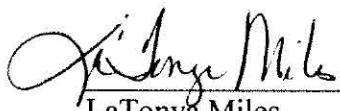
D.C. Court of Appeals
Office of the Clerk
430 E Street, N.W.
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER DISMISSING APPEAL WITH PREJUDICE ON SETTLEMENT** in **RH-TP-11-30,039** was mailed, postage prepaid, by first class U.S. mail on this **31st day of January, 2013** to:

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Washington, DC 20020

Urban Investment Partners
Attn: David R. Willoughby
809 Massachusetts Avenue, NE
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